



Order Filed on November 9, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**WILENTZ, GOLDMAN & SPITZER, P.A.**  
90 Woodbridge Center Drive  
Suite 900, Box 10  
Woodbridge, New Jersey 07095-0958  
DAVID H. STEIN, ESQ.  
Telephone: (732) 636-8000  
Attorneys for Victoria Foster

In re:

BED BATH & BEYOND INC., *et al.*,  
  
Debtors.<sup>1</sup>

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**ORDER MODIFYING THE AUTOMATIC STAY AND PLAN  
INJUNCTION TO ALLOW MOVANT TO CONTINUE PENDING  
LITIGATION AGAINST THE DEBTOR, TO RECOVER SOLELY AGAINST  
DEBTOR'S INSURER, WAIVING THE PROVISIONS OF FED. R. BANKR. P.  
4001 (a) (3) AND FOR RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through two (2) is  
ORDERED.

**DATED: November 9, 2023**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

Bed Bath & Beyond Inc., et al.

Case No. 23-13359 (VFP)

Order Modifying the Automatic Stay and Plan Injunction to Allow Movant to Continue Pending Litigation Against the Debtor, to Recover Solely Against Debtor's Insurer, Waiving the Provisions of Fed. R. Bankr. P. 4001 (a)(3)  
Page 2

---

This matter having come before the Court by way of a Notice of Motion for an Order Modifying the Automatic Stay and Plan Injunction to Allow Movant to Continue Pending Litigation against the Debtor, to Recover Solely against Debtor's Insurer, Waiving the Provisions of Fed. R. Bankr. P. 4001 (a) (3) and for related relief (the "Motion"), filed by Wilentz, Goldman & Spitzer, P.A., attorneys for Victoria Foster (the Movant"), and after consideration of the moving papers, opposition, if any, and arguments of counsel, and for good cause having been shown:

IT IS HEREBY ORDERED:

1. The Motion is hereby GRANTED.
2. The Automatic Stay and/or the Discharge Injunction is hereby modified to permit the Movant to institute and/or resume and prosecute to conclusion the personal injury lawsuit styled as Foster v. Bed, Bath & Beyond, Inc., et al. pending in the Superior Court of New Jersey, Law Division, Essex County under Docket Number L-2348-21.
3. Such relief and recovery is limited to the extent of available insurance coverage. \*
4. Movant may join the Debtor and/or any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other Chapter of the Bankruptcy Code.
5. The fourteen (14) day stay provisions of Fed. R. Bankr. P. 4001 (a) (3) are hereby deemed waived and dispensed with.

\* Nothing in this Order shall serve to modify the rights or defenses held by any Insurer under its insurance policy or other contractual agreement(s) between the Debtor and Insurer, the Bankruptcy Code, or other applicable laws.